

REMARKS

Status of the Claims

Claims 2, 3, 5-10 and 12-27 were pending as shown above. By amendment herein, claim 1 has been amended to specify to the location of the one or more mutations (*see, Table 1*).

Claims 7-9 have been canceled, without prejudice or disclaimer. Thus, claims 2, 3, 5, 6 and 12-27 are pending as shown above and claims 2, 3, 5, 6, 12-14 and 16 are under active examination.

Restriction

The Restriction Requirement was made FINAL on the grounds that Glaser somehow discloses the isolated protein of claim 2. However, Glaser does not teach or the particular mutations as now claimed. As such, all of the claims share a special technical feature not taught or suggested by the prior art and unity of invention is present. Accordingly, all pending claims should be examined together.

Claim Objection

Claim 7 was objected to for reciting the phrase “listed in Table 1.” (Office Action, paragraph 3).

The cancellation of claim 7 without prejudice or disclaimer obviates the objection.

Specification

Pages 39-41 of the specification were objected to as allegedly improper form of an information disclosure statement. (Office Action, paragraph 4).

Applicants note that these pages of the specification do not purport to be an IDS (an IDS was submitted on March 14, 2006 and indicated considered on June 1, 2010).

Sequence Compliance

Figure 1 was objected to for allegedly including sequences not identified in by sequence identifiers. (Office Action, paragraph 5).

The sequences found in Figure 1 are contained in the previously submitted sequence listing. In addition, the Brief Description of the Drawings has been amended to include the appropriate sequence identifiers, thereby obviating the objection.

35 U.S.C. § 101

Claim 2 was rejected as allegedly directed to non-statutory subject matter. (Office Action, paragraph 6).

By amendment herein, claim 2 has been amended to specify that the protein is isolated, thereby obviating the rejection.

35 U.S.C. § 112, 1st paragraph, written description and enablement

Previous claims 2, 3, 5, 6, 8-10, 12-14 and 16 were rejected under 35 U.S.C. § 112, 1st paragraph as allegedly not adequately described by the as-filed specification. (Office Action, paragraphs 7 and 8).

As acknowledged, previous claim 7 is fully described and enabled by the as-filed specification. As the limitations of claim 7 have been incorporated into claim 2 (from which all other claims directly or ultimately depend), the claimed subject matter is described and enabled by the as-filed specification.

35 U.S.C. § 102

Previous claims 1-5 and 8 were rejected under 35 U.S.C. § 102(b) as allegedly anticipated by Glaser et al.

The limitations of claim 7, which was not subject to the rejection, have been incorporated into claim 2. Accordingly, as admitted, the pending claims are not anticipated by Glaser and the rejection cannot be sustained.

CONCLUSION

Applicants believe that the claimed subject matter is now in condition for allowance and early notification to that effect is respectfully requested. If any issues remain to be addressed, the Examiner is encouraged to telephone the undersigned.

Please direct all further communications regarding this application to:

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Respectfully submitted,

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